

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

7 ERIBERTO L. BALDOZA, et al.,

8 Plaintiffs,

9 v.

11 BANK OF AMERICA, N.A., et al.,

12 Defendants.

Case No.: C-12-05966 JCS

ORDER TO SHOW CAUSE

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15 In their Complaint, Plaintiffs allege six causes of action. All causes of action are California
16 state law claims. In their first cause of action for wrongful foreclosure, Plaintiffs identify ReconTrust
17 Company, N.A. (“Recon”) as the defendant responsible for initiating the foreclosure on their property.
18 Complaint, ¶¶ 30-32. In their third cause of action for fraud, Plaintiffs allege that Recon knowingly
19 filed a fraudulent Notice of Default and Notice of Trustee’s Sale. *Id.* at ¶ 41. In their fourth cause of
20 action, Plaintiffs request cancelation of, among other documents, the Notice of Default and the Notice
21 of Trustee’s Sale filed by Recon. *Id.* at ¶ 47. In their fifth cause of action for violation of California
22 Business and Professions Code Section 17200 *et seq.* (“UCL”), Plaintiffs allege that Recon engaged
23 in a variety of unlawful and fraudulent business practices and seek to enjoin Recon from further
24 violating the UCL. *Id.* at ¶¶ 54, 56, 59.

25 The only asserted basis for federal subject matter jurisdiction is the complete diversity of the
26 parties. *Id.* at ¶ 6. Plaintiffs state that they “reside, and are domiciled in, Newark, California.” *Id.* at
27 ¶ 1. Plaintiffs state that Recon’s “main offices [are] located at 1800 Tapo Canyon Road, Simi Valley,
28 CA.” *Id.* at ¶ 3. Based on the above, IT IS HEREBY ORDERED that Plaintiffs appear on January

1 11, 2013 at 9:30 a.m. before Magistrate Judge Joseph C. Spero, in Courtroom G, 15th Floor, 450
2 Golden Gate Avenue, San Francisco, California, and then and there show cause why this action
3 should not be dismissed for lack of federal subject matter jurisdiction. Any written response to the
4 Order to Show Cause shall be filed on or before January 4, 2013.

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6 IT IS SO ORDERED.

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8 Dated: December 14, 2012

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JOSEPH C. SPERO
United States Magistrate Judge